

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3128 of 2021

Arising Out of PS. Case No.-116 Year-2021 Thana- BARH District- Patna

1. GANESH PRASAD @ GANESH YADAV @ FUDDI YADAV Son of Yogi Roy Resident of Village - Laheriya Pokhar, P.S.- Barh, Distt.- Patna.
2. Mallu Yadav @ Abdhesh Gope Son of Karu Yadav Resident of Village - Laheriya Pokhar, P.S.- Barh, Distt.- Patna.
3. Vikash Yadav Son of Ganesh Prasad @ Ganesh Yadav @ Fuddi Yadav Resident of Village - Laheriya Pokhar, P.S.- Barh, Distt.- Patna.
4. Rakesh Yadav Son of Ganesh Prasad @ Ganesh yadav @ Fuddi Yadav Resident of Village - Laheriya Pokhar, P.S.- Barh, Distt.- Patna.
5. Vicky Yadav Son of Umesh Prasad Yadav Resident of Village - Laheriya Pokhar, P.S.- Barh, Distt.- Patna.
6. Pankaj yadav @ Pankaj Kumar Son of Anil Kumar Yadav Resident of Village - Laheriya Pokhar, P.S.- Barh, Distt.- Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-10-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to
remove the defect(s), as pointed out by the office, within a
period of eight weeks.

The appellants have challenged the order dated
01.07.2021 passed by learned A.D.J. III-cum-Special Judge,
SC/ST, Patna in connection with Barh P.S. case No.116/2021



registered for the offences under Sections 147, 148, 149, 447, 341, 323, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(i)(r)(s)/3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989, whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

The prosecution case, in short, is that the accused persons including the appellants resorted firing and also pelted brick on the house of the informant and also abused the informant by taking his caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. For a petty reason, the alleged occurrence is said to have taken place. Subsequently compromise was also entered into between the parties vide Annexure 2 to the present appeal. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.



Considering the aforesaid facts and circumstances, the order dated 01.07.2021, passed by the learned A.D.J. III-cum-Special Judge, SC/ST, Patna vide A.B.P. No.2838 of 2021 in connection with Barh P.S. case No.116/2021, is set aside.

Let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. III-cum-Special Judge, SC/ST, Patna in connection with Barh P.S. case No.116/2021.

The criminal appeal stands allowed.

(Sudhir Singh, J)

Narendra/-

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